

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Holman on February 13, 2008.

The application has been amended as follows:

In the claims:

Claims 5-6 and 27 have been canceled without prejudice.

Claim 1 has been replaced with the following replacement claim:

Claim 1. A method for detecting nitrated fragments of type II collagen by immunoassay, comprising the steps of:
contacting a biological sample with an antibody that specifically binds the nitrated epitope HRGY-NO₂-PGLDG (SEQ ID NO: 6), wherein the amino acid residue Y-NO₂ therein is a nitrated tyrosine residue, and detecting binding of the antibody to unwound fragments of type II collagen in the sample that comprise said nitrated epitope;
wherein said antibody specifically binds said nitrated tyrosine residue in conjunction with the specific amino acid sequence of said nitrated epitope, and wherein said antibody does not react with the non-nitrated sequence HRGYPGLDG (SEQ ID NO: 1).

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2. The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggest detection of collagen type II fragments using an antibody that recognizes the nitrotyrosine-containing epitope SEQ ID NO:6. The Examiner finds inherent support for the limitation that the collagen type II fragments detected by such an antibody are "unwound" fragments in Deberg et al. and Manicourt et al. (of record), which provide evidence that SEQ ID NO:6 is a neoepitope that is only exposed upon unwinding of the triple helix structure of collagen. See also the instant specification at page 6, lines 26-29; and at pages 29-30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Foster whose telephone number is (571) 272-8786. The examiner can normally be reached on M-F 8:30-5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached at (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christine Foster/
Examiner, Art Unit 1641

/Long V Le/
Supervisory Patent Examiner, Art Unit 1641